

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspte.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,814	07/26/2001	Madeline M. Butler	ISPH-0587	6393
26259	7590 10/03/2002			
LICATLA & TYRRELL P.C.			EXAMINER	
66 E. MAIN STREET MARLTON, NJ 08053			ZARA, JANE J	
WITHER ON, I	10 00000			
			ART UNIT	PAPER NUMBER
	•		1635	f
			DATE MAILED: 10/03/2002	b

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary - The MAILING DATE of this communication appears on the cover sheat with the correspondence address - Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Elements of term into be availated under the provisions of 20°CR 1.1366, in no event, however, may a tepty be ferrely filed By the period for early specified above is less than three follows pread all large will be lightly (30) days as it is consistent anney. If the period for early specified above is less than three provisions period all large will be lightly (30) days as it is consistent anney. If the period for early specified as 20°CR 1.7366, in no event, however, may a tepty be ferrely filed If the period for early specified as 20°CR 1.7366, in no event, however, may a tepty be ferrely filed If the period for early specified as 20°CR 1.7366, in no event, however, may a tepty be ferrely filed If the period for early specified as 20°CR 1.7366, in no event, however, may a tepty be ferrely filed If the period for early specified as 20°CR 1.7366, in no event, however, may a tepty be ferrely filed If the period for early specified as 20°CR 1.7366, in no event, however, may a tepty be ferrely filed If the period for early specified as 20°CR 1.7366, in no event, however, may a tepty be ferrely filed If the period for early specified as 20°CR 1.7366, in no event, however, may a tepty be ferrely filed If the period for early specified as 20°CR 1.7366, in the station of the communication of the scattering of the communication of the scattering of the communication of the f	i		Application No.	Applicant(s)			
Jane Zara - The MALLING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. If the period for mply specified above is less than they (30) cays, a reply within the statutory minimum of thiny (30) stays will be considered simely. If the period for mply specified above is less than they (30) cays, a reply within the statutory minimum of thiny (30) stays will be considered simely. If the period for mply specified above is less than they (30) cays, a reply within the statutory minimum of thiny (30) stays will be considered simely. If the period for mply specified above is less than they (30) cays, a reply within the statutory minimum of thiny (30) stays will be considered simely. If the period for mply specified above is less than they (30) cays, a reply within the statutory minimum of thiny (30) stays will be considered on the statutory minimum of thiny (30) stays will be considered on the statutory minimum of thiny (30) stays will be considered on the statutory minimum of thiny (30) stays will be considered on the statutory minimum of thiny (30) stays will be considered on the statutory minimum of thiny (30) stays will be considered on the statutory minimum of thiny (30) stays will be considered on the statutory minimum of thiny (30) stays will be considered on the statutory minimum of thiny (30) stays will be considered on the statutory minimum of thiny (30) stays will be considered on the statutory and will also statutory statutory and will also statutory statutory and and statutory statutory and and statutory statutory and and statutory statutory and and statutory statutory. Statutory is a statutory statutory and statutory statutory s	Office Action Summary		09/915,814	BUTLER ET AL.			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edebased of time may be availated under the provisions of 5 CFR 1.136(a). In coverel, however, may a reply be timely fleat the period for reply appelled above is less than thirty (30) days, a largely within the statutiony minimum of thirty (33) days, with be considered in the control of the period for reply appelled above is less than thirty (30) days, a largely within the statution of the period for reply appelled above is less than thirty (30) days, a largely within the statution of the period for reply appelled above is less than thirty (30) days, a largely within the statution of the period for reply applied to the period of the communication, event if from the control of the communication is expected of the communication, event if from the communication, event if from the period of the communication, event if from the communication is event in a control of the communication of the communication is event in a control of the communication in the communication is event in a control of the communication in a control of the mentity of the communication in a control of the mentity of the communication in a control of the mentity of the communication in a control of the mentity of the communication in a control of the mentity of the communication in a control of the mentity of the communication in a control of the control of the communication in a control of the control of			Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extremely of them trip to available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timply filed - Extremely of them trip to available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timply filed - Extremely of them trip to available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be timply filed - Extremely of them triply is available under the provision of 37 CFR 1.136(a), in no event, however, may a reply be timply filed - If No period for reply spelled above, he maximum statutory epide will apply and will expire SNX (b) MONTH'S from the mailing date of this communication. - If No period for reply spelled above is less than three months after the mailing date of this communication, even if timply filed, may reduce any examined platent term adjustment. See 37 CFR 1.794(b). - Status - If No period for the spelled under the spelled under the provision of Claims - Application this application is in condition for allowance except for formal matters, prosecution as to the merrits is closed in accordance with the practice under Ex partie Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - Application is placed to the practice under Ex partie Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - Application is a specification is objected to. - Application Papers - Application is a specification in advisor. - Application Papers - Application is objected to by the Examiner. - Application Papers - Application is objected to by the Examiner. - Application Papers - Application is objected to by the Examiner. - If approved, corrected drawings are required in reply to this Office action. - 12) The orath or declaration is objected to by the Examiner. - If approved, corrected drawings are required in reply to this Office action. - 12) Acknowledgment is made of a claim for foreign prior							
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 CPR 1.15(d). In no event, however, may a reply be timely filed after SN (8) MONTHS from the mailing date of this communication. If the period comply predicted becomes has that here yold days, a reply within the saturory mamman of litricy 130 steps will be considered in the provision of the pr							
2a This action is FINAL. 2b This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 Claim(s) 1-71 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5 Claim(s) is/are allowed. 6 Claim(s) is/are rejected. 7 Claim(s) is/are objected to. 8 Claim(s) 1-71 are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11 The proposed drawing correction filed on is: a) approved by disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12 The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b Some * c None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) a The translation of the foreign language provisional application has been received. 15 Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 10 (for a provisional application)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(s) 1-71 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are objected to. 8) ○ Claim(s) is/are objected to. 8) ○ Claim(s) is/are objected to by the Examiner. Application Papers 9) □ The specification is objected to by the Examiner. Application Papers 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1 □ Certified copies of the priority documents have been received. 2 □ Certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 119(e) (to a provisional application). a) □ The translation of the foreign language provisional application has been received. 15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 □ Interview Summary (PTO-413) Paper No(s) 21 □ Notice of References Cited (PTO-892) 22 □ Notice of Draftsp	1)	Responsive to communication(s) filed on					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ○ Claim(s)	2a) <u></u> □	This action is FINAL . 2b) Thi	s action is non-final.				
4) Claim(s) 1-71 (s/are pending in the application. 4a) Of the above claim(s)	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to. 8) □ Claim(s) is/are objected to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) □ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) □ The translation of the foreign language provisional application has been received. 15) □ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 11 □ Notice of References Cited (PTO-892) 21 □ Notice of Informal Patent Application (PTO-152)	·						
5	• • • • • • • • • • • • • • • • • • • •						
6 Claim(s) is/are rejected. 7 Claim(s) is/are objected to. 8 Claim(s) 1-71 are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11 The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12			The man and an analysis				
7) Claim(s) is/are objected to. 8) Claim(s) 1-71 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Informal Patent Application (PTO-152)							
8 Claim(s) 1-71 are subject to restriction and/or election requirement. Application Papers 9 The specification is objected to by the Examiner. 10 The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11 The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12 The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)	1	· · · · · · · · · · · · · · · · · · ·					
Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of Braftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	· · · · · · · · · · · · · · · · · · ·	•	election requirement.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	,,						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)	9) 🗌 .	The specification is objected to by the Examine	г.				
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1 Certified copies of the priority documents have been received. 2 Certified copies of the priority documents have been received in Application No 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Priority under 35 U.S.C. §§ 119 and 120 13)	11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). 5) Notice of Informal Patent Application (PTO-152)	If approved, corrected drawings are required in reply to this Office action.						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	12)☐ The oath or declaration is objected to by the Examiner.						
a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) Notice of Informal Patent Application (PTO-152)	Priority under 35 U.S.C. §§ 119 and 120						
1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 1 Interview Summary (PTO-413) Paper No(s)							
2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 1 Notice of Informal Patent Application (PTO-152)	a) ☐ All b) ☐ Some * c) ☐ None of:						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	1. Certified copies of the priority documents have been received.						
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) A) Interview Summary (PTO-413) Paper No(s). 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	2. Certified copies of the priority documents have been received in Application No						
a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s). 5) Notice of Informal Patent Application (PTO-152)	application from the International Bureau (PCT Rule 17.2(a)).						
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s). 5) Notice of Informal Patent Application (PTO-152)	14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 4) Interview Summary (PTO-413) Paper No(s). 5) Notice of Informal Patent Application (PTO-152)	· · · · · · · · · · · · · · · · · · ·						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	Attachment(s)						
	2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal F				

Page 2

Application/Control Number: 09/915,814

Art Unit: 1635

DETAILED ACTION

Claims 1-71 are pending in the instant application.

Election/Restriction

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-15, 71, drawn to compositions and methods for the inhibition of hormone-sensitive lipase, classified in class 536, subclass 24.5.
- II. Claims 16-25, 31-40, drawn to a method of treating or delaying a disease or condition associated with hormone sensitive-lipase in an animal, classified in class 514, subclass 44.
- III. Claims 26-30, 41-50, drawn to a method of modulating blood glucose levels in an animal, classified in class 514, subclass 44.
- IV. Claims 51-60, drawn to a method of method of modulating serum cholesterol levels in an animal, classified in class 514, subclass 44.
- V. Claims 61-70, drawn to a method of modulating serum triglyceride levels in an animal, classified in class 514, subclass 44.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II-V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different

Art Unit: 1635

inventions I and II-V are biologically and functionally different and distinct from each other and thus one does not render the other obvious. The operation and function of the products (nucleic acids) of Group I are completely different and distinct from the operation, function and effects of the methods of Groups II-V, which encompass treatment and prophylactic effects for a number of diseases and conditions in animals. Therefore, the inventions of these different and distinct groups are capable of supporting separate patents.

Inventions I and II and IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions I and II and III and IV and V are biologically and functionally different and distinct from each other and thus one does not render the obher obvious. The methods of Groups I and II and III and IV and V comprise steps which are not required for or present in the methods of the other groups: inhibition of hormone sensitive-lipase (Group I); methods of treating or delaying a disease or condition associated with hormone sensitive-lipase in an animal (Group II); a method of modulating blood glucose levels in an animal (Group III); a method of modulating serum cholesterol levels in an animal (Group IV); a method of modulating serum triglyceride levels in an animal (Group V). Thus, the operation, function and effects of these different methods are different and distinct from each other.

Therefore, the inventions of these different, distinct groups are capable of supporting separate patents.

Application/Control Number: 09/915,814 Page 4

Art Unit: 1635

Pursuant to 35 U.S.C. 121 and 37 C.F.R. 1.141, the nucleotide sequences listed in claim 3 is subject to restriction. As per M.P.E.P. 2434, "the Commissioner has partially waived the requirements of 37 C.F.R. 1.141 and will permit a reasonable number of such nucleotide sequences to be claimed in a single application." Under this policy, in most cases, up to 1 (one) independent and distinct nucleotide sequence will be examined in a single application without restriction. Those sequences which are patentably indistinct from the sequence selected by the applicant will also be examined.

Claim 3 specifically claims numerous antisense oligonucleotide sequences which inhibit the expression of hormone-sensitive lipase. Each of these sequences is considered to be structurally independent and distinct even though they may each target the same gene, because each of these sequences has a unique nucleotide sequence and each targets a different and specific region of the target gene. Furthermore, a search of all the sequences claimed presents an undue burden on the Patent and Trademark Office to search and examine all of the recited sequences. In view of the foregoing, applicants are required to elect up to 1 claimed antisense sequence from claim 3.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/915,814 Page 5

Art Unit: 1635

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Application/Control Number: 09/915,814 Page 6

Art Unit: 1635

Conclusion

Certain papers related to this application may be submitted to Art Unit 1635 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). The official fax telephone numbers for the Group are (703) 308-4242 and (703) 305-3014. NOTE: If Applicant *does* submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jane Zara** whose telephone number is (703) 306-5820. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John LeGuyader, can be reached on (703) 308-0447. Any inquiry regarding this application should be directed to the patent analyst, Katrina Turner, whose telephone number is (703) 305-3413. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

KAREN LACOURCIER
PATENT EXAMINE

JZ October 1, 2002